

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: David P. Ress et al.

Serial No. 10/742,324

Filed: 12/19/2003

For: **METERING IN PACKET-BASED TELEPHONY NETWORKS**

Examiner: Rasha S. Al Aubaidi

Art Unit: 2614

Mail Stop Appeals

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

**STATEMENT FOR DISCOUNTED NOTICE OF APPEAL**

A Notice of Appeal is being filed concurrently with this statement. Appellant previously filed a Notice of Appeal on July 30, 2008 and an Appeal Brief on September 23, 2008. Appellant paid the \$510.00 fee associated with the Notice of Appeal and the Appeal Brief when each was filed.

In response to the Appeal Brief filed on September 23, 2008, prosecution was reopened through the mailing of a non-final Office Action on December 8, 2008. As such, the Appeal Brief filed on September 23, 2008 was not reviewed by the Board of Patent Appeals and Interferences and no decision was rendered in response to the Appeal Brief filed on September 23, 2008. Appellant has decided to reinstate the appeal and concurrently files a new Notice of Appeal.

Appellant should not have to pay the full amount of \$540.00 for this Notice of Appeal because the Notice of Appeal filed on July 30, 2008 and the Appeal Brief filed on September 23, 2008 had been paid for and no decision had been rendered. See M.P.E.P § 1207.04. Appellant notes that the fee for a Notice of Appeal increased by \$30.00. As such, only the \$30.00 fee is due for the current Notice of Appeal. The Director is hereby authorized to charge the \$30.00 Notice of Appeal fee to Deposit Account 14-1315, and to consider this a petition therefor. If any additional fees are required in association with this Notice of Appeal, the Director is hereby authorized to charge them to Deposit Account 14-1315, and consider this a petition therefor.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

A handwritten signature in black ink, reading "John R. Witcher, III". The signature is written in a cursive style with a large, stylized "J" and "W".

John R. Witcher, III

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Cary, NC 27518

Telephone: (919) 238-2300

Date: February 16, 2009

Attorney Docket: 7000-526

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional)  7000-296						
I hereby certify that this correspondence is being transmitted via facsimile on the date indicated below to: Examiner: _____ Fax Number: _____ Art Unit: _____ Date: _____  Signature _____  Typed or printed name _____	In re Application of David P. Ressa et al.  <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Application Number 10/742,324</td> <td style="width: 50%; padding: 2px;">Filed 12/19/2003</td> </tr> <tr> <td colspan="2" style="padding: 2px;">For METERING IN PACKET-BASED TELEPHONY NETWORKS</td> </tr> <tr> <td style="padding: 2px;">Art Unit 2614</td> <td style="padding: 2px;">Examiner Rasha S. Al Aubaidi</td> </tr> </table>		Application Number 10/742,324	Filed 12/19/2003	For METERING IN PACKET-BASED TELEPHONY NETWORKS		Art Unit 2614	Examiner Rasha S. Al Aubaidi
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Art Unit 2614	Examiner Rasha S. Al Aubaidi							
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 1.17(b)) <span style="float: right;">\$ 30.00</span></p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <span style="float: right;">\$ _____</span></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>14-1315</u>. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>I am the</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> applicant/inventor.   <input type="checkbox"/> assignee of record of the entire interest.            See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.            (Form PTO/SB/96)   <input checked="" type="checkbox"/> attorney or agent of record.            Registration number <u>39877</u>   <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a).            Registration number if acting under 37 CFR 1.34(a) _____         </td> <td style="width: 50%; vertical-align: top; text-align: center;">             _____            Signature            John R. Witcher, III            _____            Typed or printed name            919-238-2300            _____            Telephone number            February 16, 2009            _____            Date         </td> </tr> </table> <p><b>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</b></p>			<input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)  <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>39877</u>  <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____	 _____ Signature John R. Witcher, III _____ Typed or printed name 919-238-2300 _____ Telephone number February 16, 2009 _____ Date				
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<input type="checkbox"/> *Total of _____ forms are submitted.								

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.